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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,921	02/20/2002	Timothy J. Bloch	J267.12-0001	2203
164	7590	02/13/2006		
KINNEY & LANGE, P.A. THE KINNEY & LANGE BUILDING 312 SOUTH THIRD STREET MINNEAPOLIS, MN 55415-1002				
			EXAMINER FRANCIS, MARK P	
			ART UNIT 2193	PAPER NUMBER

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/081,921	BLOCH ET AL.	
	Examiner	Art Unit	
	Mark P. Francis	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the amendment filed October 06, 2005.
2. Per applicants' request, claims 1,3-5,8,11,13-14,16, and 18 have been amended and claim 21 has been newly introduced.

Response to Amendments

3. The objection to the drawings for containing several trademarks are withdrawn in view of applicants' amendment to the specification.

The objection to the specification for the use of various trademarks are withdrawn in view of applicants' amendment to the specification.

Claim Rejections - 35 USC § 112

4. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

On page 6, Claim 18 includes the limitations of claim 21, which is not a previously defined claimed. Claims may incorporated the limitation of previously referenced claims only,

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

6. A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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7. Claims 1-5,8-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Rice III. (U.S. Pub 2002/0174010)

Independent claims

With respect to claim 1, Rice discloses A system for deploying applications over a distributed network to web-enabled devices for interacting with a server (e.g. See Fig. 6 and related text), the server being in communication with the distributed network and having text files containing application logic, the system comprising: an application assembler for storing on and running on the Internet-enabled device, the application assembler for downloading one or more text files from the server(Col 3: 0015,0016, 0083, "...continues to be downloaded..."), retrieving program logic from each of the downloaded text files, and assembling the retrieved program logic into a functioning application; (Col 16:0148, "...download-and-run program...") and running the functioning application on the Internet-enabled device regardless of whether the Internet-enabled device remains connected to the server. (Col 16:0148, "...as a web browser plug-in...")

With respect to claim 8, Rice discloses A system for deploying an application over a network to Internet-enabled devices(Col 7:0096, "...web- or Internet-enabled..."), the network having a server containing one or more application logic files (e.g. See Fig. 6 and related text), the application logic files containing embedded application logic

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relating to a computer program(Col 10:0111, "...have several embedded "macros" which would be..."), the system comprising:

a program assembler for storing on and running on the Internet-enabled device, the program assembler for downloading application logic files, retrieving embedded application logic from the application logic files, (Col 3: 0015,0016, 0083, "...continues to be downloaded...", Col 9:0109, "...may contain embedded information...") and building the computer program from the retrieved embedded application logic, and running the computer program on the Internet-enabled device. (Col 16:0148, "...download-and-run program...", Col 9:0107, "...information embedded...")

With respect to claim 16, Rice discloses A method for deploying a computer program over a network, the method comprising:

Storing and running a software module on a client device of a user; (Col 16:0148, "...as a web browser plug-in...",Col 8:0100, "...may be installed...")

Providing to the client device text files containing embedded application program logic for the software module, the text files containing embedded program logic for the computer program to the installed software module upon request; (Col 3: 0015,0016, 0083, "...continues to be downloaded...", Col 7:0097-0098, "...remote user's data file..."),

Running the computer program assembled from the embedded program logic on the client device. (Col 16:0148, "...download-and-run program...")

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and enabling user interaction with the computer program running on the client device assembled from the embedded program logic. (Col 8:0100-0102, "...After installation of the software...")

Dependent claims

With respect to claim 2, the rejection of claim 1 is incorporated and further, Rice discloses wherein the application assembler is operating system dependent. (Col 15:0143, "...running various operating systems...")

With respect to claims 3 and 12, the rejection of claims 1 and 8 are incorporated respectively and further, Rice discloses wherein the embedded application logic is operating system independent. (Col 15:0145, "...the platform, operating system, or...")

With respect to claims 4 and 13, the rejection of claims 1 and 8 are incorporated respectively and further, Rice discloses wherein the computer program provides a graphical user interface for receiving and interpreting user inputs to the web-enabled device. (Col 15:0143, "...displays the GUI for the application...", Col 11:0121, "...depicts a GUI screen...")

With respect to claim 5, the rejection of claim 4 is incorporated and further, Rice discloses wherein the functioning application processes the user inputs and interacts

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with a remote database for performing user instructions. (Col 13:0128, "...the database requires...", Col 22:0183,"...Tracking Database..."Col 23:0184, "...Rights Database..."")

With respect to claim 9, the rejection of claim 8 is incorporated and further, Rice discloses a plugin for installation in a web-browser for running the program assembler according to instructions embedded in an Internet web page. (Col 16:0148, "...as a web browser plug-in...",Col 8:0100, "...may be installed..."")

With respect to claim 10, the rejection of claim 8 is incorporated and further, Rice discloses wherein the program assembler is operating system dependent, (Col 15:0143, "...running various operating systems..."")

the program assembler for assembling multiple computer programs based on the embedded application logic. (Col 9:0107, "...information embedded...", Col 9:0109, "...may contain embedded information..."")

With respect to claim 11, the rejection of claim 8 is incorporated and further, Rice discloses wherein the program assembler is operating system dependent, (Col 15:0143, "...running various operating systems...",Col 9: 0109-0110, "...server-supported AppLink..."")

and wherein at least two different program assemblers for at least two different operating systems on two different web-enabled devices use the embedded application logic from the text files for building a computer program having the same functionality on

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both web-enabled devices. (Col 7:0095, "...for various types of software applications...", Col 9: 0109-0110, "...by the server middleware...")

With respect to claim 14, the rejection of claim 8 is incorporated and further, Rice discloses wherein the web-enabled devices are selected from a group consisting of computers, workstations, personal digital assistants, wireless personal digital assistants, and web-enabled phones. (Col 5:0083, "...desktop, laptop, hand-held...", Col 7:0096, "...personal digital assistants...")

With respect to claims 15 and 20, the rejection of claims 8 and 16 are incorporated respectively and further, Rice discloses wherein the application logic files are compressed. (Col 9: 0109-0110, "...as a particular data file to open...")

With respect to claim 17, the rejection of claim 16 is incorporated and further, Rice discloses wherein the step of hosting comprises: storing a compressed file in a standard compression format on a server in communication with a network, the compressed file for automatic download and installation on the client device through a web browser. (Col 8: 0100, "...Upon download of the application code...", Col 16: 0148, "...download-and run program...")

With respect to claim 18, the rejection of claim 16 is incorporated and further, Rice discloses wherein the step of launching the installed software module comprises:

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embedding a launch instruction in a starter web page on the network. (Col 8:0100,0107, "...prompting to a user to begin...")

With respect to claim 19, the rejection of claim 16 is incorporated and further, Rice discloses wherein the step of providing text files comprises: storing text files on a server in communication with a network, the text files containing embedded program logic. . (Col 9:0107, "...information embedded...", Col 9:0109, "...may contain embedded information...")

With respect to claim 21, the rejection of claim 16 is incorporated and further, Rice discloses hosting a web page containing a software module and a plugin on for installation on a client device of a user;(Col 16:0148, "...as a web browser plug-in...") and launching the installed software module using the installed plugin based on instructions embedded within the web page.(Col 9:0109-0110, "...the hyperlink may contain embedded information...")

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rice in view of Lloyd. (U.S. Patent 6,779,178)

The rejection of claim 1 is incorporated and further,

Rice does not disclose a parser for extracting program logic from text files stored on the server; a script engine for interpreting scripts contained in the extracted program logic, and for providing methods to invoke script functions; and component handlers for rendering visual components and for processing operations specific to the visual components.

Lloyd discloses a script engine for interpreting scripts contained in the extracted program logic, and for providing methods to invoke script functions;(Col 9:27-67, "...Common Gateway Interface (CGI) scripts...") and component handlers for rendering visual components and for processing operations specific to the visual components a parser for extracting program logic from text files stored on the server(Col 17:19-67, "...the user may select an image,...")Col 27:44-67, "...script parses...") in an analogous system for the purpose of providing for processing an image with attributes.(Col 3:27-36)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include a parser for extracting program logic to Rice's invention.

The modification would have been obvious because one of ordinary skill in the art would have been motivated to provide a simple way to connect various types of intelligent devices to allow for communication and sharing of resources while avoiding the interoperability and complex configuration problems existing in conventional networks.(Lloyd: Col 2, lines 1-5)

Regarding claim 7, Lloyd discloses wherein the application assembler further comprises: a layout handler for analyzing positioning properties of a group of components and translating them into component dimensions and coordinates for display on each web enabled device.(Col 17:19-67,"...including alpha component...")

Response to Arguments

10. Applicant's arguments filed October 06, 2005 have been fully considered but they are not persuasive. Following is the Examiner's response.

With respect to claims 1,8 and 16, Applicant essentially argues that Rice III does not disclose distributing applications to client (or Internet-enabled) devices.

In response, the examiner differs, notes Col 7:0096-0087 and Col 9:0107-0109, here Rice teaches that a thin client executable code which allows for viewing and editing of the data file in its native format can be automatically downloaded to the user or client for

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viewing purposes. Thus, Rice does disclose distributing applications to client (or Internet-enabled) devices.

Also, Applicant argues that Rice III does not allow an application to run independent of the server.

In response, the Examiner disagrees notes Col 16:0148-0149, it is here that Rice discloses that the recipient's thin-client can be made accessible to the recipient in several ways for example in a Java Applet or other download-and-run program. Rice also discloses that the AppLink executable may be implemented over the operating system kernel as a component of the operating system. Therefore, Rice does teach allowing an application to run independent of the server.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

12. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

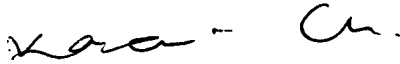
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark P. Francis whose telephone number is (571)272-7956. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)272-3719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


KAKALI CHAKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100